

Plaintiffs' Exhibit 191

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:23-cv-00108-LMB-JFA
)	
GOOGLE LLC,)	
)	
Defendant.)	

**DECLARATION OF CHRISTOPHER KOEPKE
IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO
GOOGLE’S MOTION FOR SUMMARY JUDGEMENT**

I, Christopher Koepke, pursuant to 28 U.S.C. § 1746 hereby declares as follows:

1. I am over 21 years old and am competent to testify about the matters in this Declaration based on my personal knowledge.

2. I am the Director of the Strategic Marketing Group in the Office of Communications at the Centers for Medicare and Medicaid Services (“CMS”) and submit this Declaration in support of Plaintiffs’ Opposition to Google’s Motion for Summary Judgment.

3. In my role as the Director, I oversee Medicare, Medicaid, and health insurance marketplace communication campaigns, strategic planning, and marketing research.

4. CMS is contractually obligated to reimburse at cost all payments made by Weber Shandwick to execute approved ad purchases on behalf of CMS.

5. Beyond purchasing advertising, Weber Shandwick also provides other advertising services, which are compensated separately from advertising purchases.

6. In coordination with Weber Shandwick, CMS develops and approves detailed media plans, which authorize Weber Shandwick to execute advertising purchases on the CMS's behalf, in accordance with those media plans.

7. The discretion afforded to Weber Shandwick is limited to that authorized and approved by a CMS media plan, and Weber Shandwick works closely with CMS to effectuate CMS's goals and decisions.

8. The exhibit beginning with **CMS-ADS-0000011868** is a true and correct copy of an excerpt of a task order under the Weber Shandwick advertising contract showing that media services are compensated differently than media buys.

9. Indirect rates included in this document constitute competitively sensitive information not available to the general public and making them available on the public docket would prejudice CMS's ability to conduct business.

10. The exhibit beginning with **CMS-ADS-0000041988** is a true and correct copy of a 2019 media plan showing digital and display advertising channel strategy.

11. The exhibit beginning with **CMS-ADS-0001139301** is a true and correct copy of a signed Authorization to Buy form authorizing Weber Shandwick to purchase media on CMS's behalf.


12. The exhibit beginning with **CMS-ADS-0000250880** is a true and correct copy of an email summarizing CMS's different digital advertising approvals.

13. The exhibit beginning with Bates number **CMS-ADS-0000380931** is a true and correct copy of an Agency of Record letter showing that buy orders placed by a subcontractor under the Weber Shandwick advertising contract are deemed to be booked directly by CMS and its cover email.

14. Contact information for CMS staff included in the documents cited in this declaration is not widely published or available to the general public as a matter of course, and making it available on the public docket threatens to disrupt orderly and efficient agency operations.

15. The exhibits discussed above were made and kept in the ordinary course of CMS's business, and making and keeping these documents was a regular practice of CMS's business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 17, 2024.

Signed: 

Christopher Koepke
Director of the Strategic Marketing Group
Office of Communications
Centers for Medicare & Medicaid Services (CMS)

Baltimore, Maryland